

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

May 23, 1996

ALL COUNTY LETTER NO. 96-28

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law or Regulation Change
- ☒ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL-COUNTY GAIN COORDINATORS

SUBJECT: SETTLEMENT IN BENO COURT CASE - 2.3% GRANT
REDUCTION AND EXEMPTIONS FROM PAST REDUCTIONS

REFERENCE: EAS 42-793, 42-795, 44-115.3, 44-207.113, 44-315.311, 44-402.1,
89-110.2; ACL 96-13; ACIN I-96-26

Introduction

This letter provides further implementation instructions and revised proposed emergency regulations reducing the Maximum Aid Payment (MAP) amount used in cash assistance programs statewide by 2.3% and exempting certain Assistance Units (AUs) from this and other past MAP reductions. Under the regulations, AUs are designated as Exempt or Nonexempt. Exempt AUs will be paid based on the MAP levels in effect in July, 1992. Nonexempt AUs will be paid based on the current levels with the 2.3% reduction.

Initial instructions regarding this implementation were provided in All-County Letter (ACL) 96-13, dated April 3, 1996. A brief explanation of the revisions was transmitted to counties via All-County Information Notice (ACIN) I-96-26, dated May 10, 1996. Revisions to the regulations have been undertaken based on further review of the terms and conditions granted by the Department of Health and Human Services (DHHS) regarding operation of the Assistance Payments Demonstration Project/California Work Pays Demonstration Project (APDP/CWPDP). In addition, certain changes have been made in response to a settlement agreement reached between plaintiffs and the California Department of Social Services (CDSS) in the case of Beno v. Shalala. Plaintiffs in this case challenged the validity of the DHHS waivers relating to the APDP/CWPDP. This letter includes a discussion of the changes to the regulations (ATTACHMENT 1) and a copy of the revised regulations (ATTACHMENT 2).

Follow-up Notice

A copy of the follow-up notice (TEMP 2121 - ATTACHMENT 3) mailed to Aid to Families with Dependent Children (AFDC) recipients by CDSS is included in this package. This notice provides further information about the changes in MAP amounts and the implementation of the new exemption standards. This notice has been mailed by CDSS - counties need not mail this document.

The TEMP 2121 is structured to allow recipients to return the bottom portion to counties in order to request consideration for Exempt AU status. The date the form is received by the CWD is considered to be the date of such a request.

Notices of Action

ATTACHMENT 4 contains revised versions of the applicable Notices of Action (NOAs) and forms in English required for changes in grant amount for affected AFDC and Refugee Cash Assistance (RCA) recipients. There are also forms and NOAs for changes in status for persons subject to the requirements of the Greater Avenues for Independence (GAIN) program. Implementation instructions for the NOAs are located at the bottom of each message document.

Translated Forms and NOAs

The CDSS Language Services Bureau will send camera-ready copies of all forms and NOAs as translated into Cambodian, Vietnamese and Chinese to the applicable County Forms Coordinator upon request at a later date. Additionally, the Bureau will send camera-ready copies of the NOAs and forms in Spanish upon request.

Poster

An informational poster regarding the standards for Exempt AUs will be sent to CWDs at a later date. The poster must be displayed at each CWD office in which applicants or recipients are seen by CWD eligibility staff through February 28, 1997.

California Work Pays Demonstration Project (CWPD) Research Counties (Alameda, San Joaquin, San Bernardino and Los Angeles)

The follow-up notice (TEMP 2121) was sent to cases in control status. Counties may wish to inform control group participants that the changes do not apply to them.

Funding for AFDC Administrative Activities

Limited funding for AFDC administrative activities was budgeted for these efforts in 1995/96 based on the implementation date of June 1, 1996, with additional funding proposed for 1996/97. County specific projections conducted in March identified that the majority of counties have existing allocation levels that exceed their projected expenditures. Because of these factors no adjustments to county allocations are planned at this time.

If your county is concerned about exceeding the existing allocation, please contact the County Cost Analysis Bureau at (916) 657-3806.

State Hearings

When a county appeals office receives a request for a State Hearing involving the 2.3% MAP reductions, the request should be forwarded to the CDSS Administrative Adjudications Division (CDSS-AAD) and assigned to a County Appeals Representative/Specialist for immediate follow-up action.

If a hearing request is filed before the effective date of the action, the county must issue aid pending based on the MAP levels which were in effect in May, 1996.

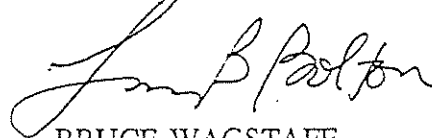
These hearing requests will not be dismissed under MPP Section 22-054.4. The requests will be heard individually or in group hearings.

Contacts

If you have questions regarding this letter, please contact the following:

Subject	Contact Person	Phone
Regulations	Jim Lucas	(916) 654-1059 or CALNET 464-1059
AFDC Implementation	Jim Lucas	(916) 654-1059 or CALNET 464-1059
GAIN Implementation	Karen Kennedy	(916) 657-3400 or CALNET 437-3400
Follow-up Notice	Arlene Jamar	(916) 657-2314 or CALNET 467-2314
AFDC NOAs	Pam Kian	(916) 654-1801 or CALNET 464-1801
GAIN Forms	Eric Norris	(916) 654-0946 or CALNET 464-0946
Translations	CDSS Language Services Bureau	(916) 654-1282 or CALNET 464-1282
Food Stamps	Melissa Buchanan	(916) 654-8467 or CALNET 464-8467
State Hearings	Rosie Morefield	(916) 229-4156 or CALNET 424-4156
Demonstration Projects	Leslie Raderman	(916) 657-2357 or CALNET 437-2357

Sincerely,



BRUCE WAGSTAFF

Deputy Director

Welfare Programs Division

Attachments

bc: Welfare Programs
AFDC Program Branch
P. Sutherland
H. Hopgood
J. Lucas
Bureau Chron
C. File
Subject Copy
Cir. Copy

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

The information in this ACL revises and updates information contained in ACL 96-13.

GAIN Illness and Injury Exemption

The GAIN standards for illness or injury as specified in MPP 42-791 will not be a qualifying condition for Exempt Assistance Unit (AU) status. However, an illness or injury that meets the standards specified in MPP 42-795 for GAIN incapacity remains a qualifying condition.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother injures her leg and medical verification establishes that the condition is expected to last 45 days. Although the mother has an injury to her leg, the impairment qualifies under the GAIN exemption standards for incapacity. The AU qualifies for Exempt AU status based on a determination using this GAIN standard.

GAIN Incapacity Exemption

The standard for GAIN exemption due to incapacity as specified in MPP 42-793.1 has changed. To qualify under the new standard, the medical verification must establish that the physical or mental impairment preventing employment or training is expected to last at least 30 calendar days. The other element of GAIN incapacity, that relating to postpartum recovery, has not changed. If a person meets the incapacity standard as specified during any part of a month, the person meets the exempt standards for an entire month.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother injures her leg and medical verification establishes that the condition is expected to last 45 calendar days. The impairment qualifies under the GAIN exemption standards for incapacity. The projected duration of the impairment spans a portion of two calendar months. The mother is considered incapacitated for both months. The AU qualifies for Exempt AU status for both months based on a determination using this GAIN standard.

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

GAIN Incapacity Exemption (cont.)

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother injures her leg and medical verification establishes that the impairment is expected to last 30 calendar days and to span a portion of one calendar month. The impairment qualifies under the GAIN exemption standards for incapacity. Subsequently, the CWD finds that the impairment actually lasted 20 days. The fact that the impairment did not actually last 30 calendar days does not affect the mother's exempt status.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother injures her leg and medical verification establishes that the condition is expected to last 45 calendar days. The impairment qualifies under the GAIN exemption standards for incapacity. The projected duration of the impairment spans a portion of two calendar months. Based on this information, the CWD establishes Exempt AU status for both months based on a determination using this GAIN standard. Subsequently, the CWD finds that the impairment actually lasted 20 days. The actual duration of the impairment spans only one month. The mother has no other basis for exempt status in the second month. The fact that the impairment did not actually last 30 calendar days does not affect the mother's exempt status for the first month. However, the CWD must review actual exempt status based on the actual length of impairment and recompute considering the mother to be nonexempt for the second month.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother injures her leg and medical verification establishes that the condition is expected to last 25 calendar days. The impairment does not qualify under the GAIN exemption standards for incapacity. The mother has no other basis for exemption. The AU is a Nonexempt AU.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother gives birth and medical verification establishes that the physician has prescribed a postpartum recovery period of 20 calendar days. The new mother meets the GAIN exemption standards for incapacity (the post-partum provisions for this exemption do not require a minimum duration for the condition). The AU qualifies for Exempt AU status based on a determination using this GAIN standard.

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

GAIN Exemption for Care of an Individual

The GAIN standard for care of another individual in the household as specified in MPP 42-795 is a qualifying condition for Exempt AU status.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother is not subject to GAIN requirements. The mother lives with her grandmother, who has a physical impairment that requires substantial and continuous care. The mother provides medical verification that establishes the impairment and the CWD determines that there is no one else available in the household who can appropriately provide the care. The mother meets the GAIN exemption standards for care of another individual in the household. The AU qualifies for Exempt AU status based on a determination using this GAIN standard.

SSDI Receipt

Receipt of Social Security Disability Insurance (SSDI, OASDI or RSDI) payments is a qualifying condition for exempt status when the payments are received due to the personal disability of the person being evaluated for exempt status.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother receives SSDI payments based on her disability. The mother qualifies for exempt status.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother receives SSDI payments based on the disability of her former husband. The mother does not qualify for exempt status based on SSDI receipt.

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

Reports of, Requests for and Discovery of Exempt AU Status

Qualifying conditions for Exempt AU status may be grouped as follows:

1. Conditions Established by the CWD Independent of an AU Request

These conditions include a GAIN exemption, status as an AFDC-Incapacitated parent, status as an unaided nonparent caretaker relative and enrollment in a program leading to a high school diploma (when the CWD verifies such enrollment). Since these qualifying conditions are established by the CWD, neither a report nor a request is required. Should the AU be exempt based on such conditions, the CWD must consider the AU to be Exempt and take action to use the Exempt AU MAP.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The AU is in retrospective budgeting. The mother is subject to GAIN requirements. The mother injures her leg in August and the medical verification establishes that the impairment prevents employment and is expected to last 45 calendar days. The CWD establishes a GAIN incapacity exemption for the mother beginning in the same month. The AU is Exempt for the month of August. The CWD uses the Exempt AU MAP for the payment month of October.

2. Conditions Established by Receipt and Verification of Qualifying Income

Since receipt of specified income is an automatic qualifying status, either a report or a discovery suffices to establish the status. For underpayment months, MPP 44-340.31 requires that the "correct grant" be calculated. For overpayment months, MPP 44-352.121 requires that (with two exceptions relating to court orders and months prior to April 1982) "the correct grant based on correct information" be calculated. Should the AU be exempt based on receipt of income, the CWD must consider the AU as Exempt and take action to use the Exempt AU MAP, including for review of past months for purposes of overpayments and underpayments.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The AU is in retrospective budgeting. The mother reports and verifies receipt of SDI income on the Monthly Eligibility Report for the month of August. The Report is received in September. The AU is Exempt for the month of August. The CWD uses the Exempt AU MAP for the payment month of October.

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

Reports of, Requests for and Discovery of Exempt AU Status (cont.)

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The AU is in retrospective budgeting. The mother fails to report receipt of SDI income on the Monthly Eligibility Report for the month of August. The income is discovered and verified the following January. Despite the non-report, the AU is Exempt for the month of August. The CWD uses the Exempt AU MAP for the payment month of October and continuing as part of the recomputation process.

3. Conditions Verified by the CWD Pursuant Solely to an AU Request

These conditions include a determination that the person meets the standards for GAIN exemption due to incapacity or care of another individual and enrollment in a program leading to a high school diploma (when the CWD has not previously verified such enrollment). Since these qualifying conditions are established solely through a CWD determination based on information not previously known to the CWD, a request is required. Should the AU be exempt based on such conditions, the CWD use the Exempt AU MAP. Exempt status based solely on such a request shall not precede the month of request.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The AU is in retrospective budgeting. The mother injures her leg in August and the medical verification establishes that the impairment prevents employment and is expected to last 45 calendar days. The mother contacts the CWD in September and requests consideration for Exempt AU status. The date of the request is the date of the contact. The CWD reviews the verification and determines that the mother meets the GAIN standards for incapacity. The AU is Exempt beginning for the month of September. The CWD uses the Exempt AU MAP for the payment month of November. Since the status was dependent solely on the AU request, the exempt status cannot precede the month of request.

ATTACHMENT 1 - Summary of Regulation Changes and Implementation Instructions

Summary of Regulation Changes

Date of Request for Exempt AU Status

The date of a request for Exempt AU status is the date the CWD receives the request. If such a request is made on the Monthly Eligibility Report or on the TEMP 2121 (the follow-up notice - see ATTACHMENT 3), the date of request is the date the CWD receives the report or the form.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother injures her leg and requests consideration for Exempt AU status by making the request by phone to the EW. The EW documents the call. The date of request is the date of the call.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother injures her leg and requests consideration for Exempt AU status via notation on the Monthly Eligibility Report. The mother submits the report to the CWD. The date of request is the date the CWD receives the Report.

Example An AU consists of a mother and child receiving AFDC-FG on the basis of an absent parent. The mother injures her leg and requests consideration for Exempt AU status by completing the bottom portion of the TEMP 2121 and mailing it to the CWD. The date of request is the date the CWD receives the form.

Processing Requests for Exempt AU Status

CWDs are required to document AU requests for Exempt AU status, request necessary verification, make a determination and notify the AU of the result. A determination is considered to be complete when the EW has made a decision on exemption status.

- For requests received before September 1, 1996, the EW must make a determination by the 30th calendar day following the date the CWD receives the information necessary to make such a determination. For requests received on or after September 1, 1996, the determination must be made by the 16th calendar day.
- If the AU is determined to be an Exempt AU, the CWD must process the case to use the Exempt AU MAP and provide the appropriate NOA.
- If the AU is determined not eligible for exempt status, the CWD must process the case to use the Nonexempt AU MAP and provide the appropriate denial NOA.

ATTACHMENT 2 - Draft Regulations

Amend Sections 42-793.1 and .5 to read:

42-793 EXEMPTION BASED ON INCAPACITY (CODE 05)

42-793

.1 The Exemption

An individual is exempt from GAIN registration based on incapacity when it is verified that: (a) the individual has a physical or mental impairment which prevents the individual from engaging in employment or training and the verification establishes that the impairment is expected to have a duration of at least 30 calendar days; or (b) the individual is under age 20, does not possess a high school diploma or equivalent, and her physician prescribes a specified period of postpartum recovery. (Continued)

.5 Difference Between Exemption Based on Illness (Code 03) and Incapacity (Code 05)

.51 (Continued)

.511 (Continued)

.512 When the duration of the individual's condition is permanent or of known duration expected to have a duration of at least 30 calendar days, the code 05 exemption shall apply.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310(d)(3) and 11332(c), Welfare and Institutions Code; and 45 CFR 250.30(b)(3); and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

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Modify Handbook Section 44-207.113(a) and delete Handbook Section 44-207.113(b) to read:

44-207 INCOME ELIGIBILITY

44-207

This chapter shall be applied to new cases as well as continuing cases each month.

.1 General

.111 through .112 (Continued)

.113 (Continued)

HANDBOOK BEGINS HERE

- (a) ~~Effective July 1, 1995, the amount of 185% of the MBSAC shall be as follows:~~

Size of FBU	185% of Minimum Basic Standard Adequate Care
2	\$ 662
3	\$1,327
4	\$2,350
5	\$1,602
6	\$1,627
7	\$2,055
8	\$2,257
9	\$2,450
10	\$2,665
11	\$2,895

- (b) ~~Below are the 185% of MBSAC amounts for recipients designated as MDD participants in the counties of Alameda, San Bernardino, and San Joaquin (see Section 44-102.2):~~

Size of FBU	185% of Minimum Basic Standard Adequate Care
2	\$ 630
3	\$1,313
4	\$1,306
5	\$1,542
6	\$1,761
7	\$1,970
8	\$2,173
9	\$2,369
10	\$2,567
11	\$2,780

See Section 44-315.311 for current 185% of MBSAC amounts.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, and 11280, Welfare and Institutions Code; 45 CFR 233.20(a)(2)(xiii) and (3)(ii)(F), (vi)(B), and (XIV); and Darces v. Woods, 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; ~~and the~~ Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

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Modify Handbook Sections 44-315.311 and .38 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.3 Amount of Grant

.31 MBSAC (Continued)

HANDBOOK BEGINS HERE

.311 MBSAC and MAP Levels

(a) ~~Effective July 1, 1995, the MBSAC and MAP levels established in Welfare and Institutions Code Sections 11450 and 11452 are:~~

Size of AU	MBSAC	MAP
2	\$ 350	\$ 200
3	500	400
4	700	600
5	800	700
6	900	800
7	1,100	900
8	1,200	1,000
9	1,300	1,100
10	1,400	1,200
11	1,500	1,300

~~For MBSAC add fourteen dollars (\$14) for each additional needy person.~~

~~NOTE: The MAP levels reflected above have been in effect since September 1, 1993 because the Welch v. Anderson court decision rescinded the reductions that were scheduled for September 1, 1994.~~

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MBSAC/MAP STANDARDS EFFECTIVE 06/01/96

# in AU	185% of MBSAC	MBSAC	80% of MAP*			
			Non Exempt	Exempt	Non Exempt	Exempt
1	662	358	293	326	234	250
2	1087	588	479	535	383	428
3	1350	730	594	663	475	530
4	1602	866	707	788	555	630
5	1827	988	806	899	644	719
6	2055	1111	905	1010	724	808
7	2257	1220	994	1109	795	887
8	2458	1329	1083	1209	866	967
9	2665	1441	1170	1306	936	1044
10 or more**	2895	1565	1257	1403	1005	1122

*See MPP Section 89-110.2 for definition of Exempt and Nonexempt AUs.

**For MBSAC add fourteen dollars (\$14) for each additional needy person.

(b) ~~NOTE: Below are the MBSAC and MAP amounts for recipients designated as ADP control group participants in the counties of Alameda, Los Angeles, San Bernardino and San Joaquin (see Section 89-101.2).~~

Size of AU	MBSAC	MAP
1	\$ 345	\$ 396
2	567	636
3	789	866
4	934	1088
5	968	1099
6	1,070	1,210
7	1,175	1,300
8	1,281	1,399
9	1,388	1,496
10 or more	1,500	1,600

* For MBSAC add fourteen dollars (\$14) for each additional needy person.

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MBSAC/MAP STANDARDS FOR CWPDP CONTROL GROUP*

# in AU	185% of MBSAC	MBSAC	MAP	80% of MAP
1	638	345	326	260
2	1048	567	535	428
3	1300	703	663	530
4	1542	834	788	630
5	1761	952	899	719
6	1979	1070	1010	808
7	2173	1175	1109	887
8	2369	1281	1209	967
9	2567	1388	1306	1044
10 or more **	2789	1508	1403	1122

* Applies to recipients designated as CWPDP Control Group participants in Alameda, Los Angeles, San Bernardino and San Joaquin counties (see Section 89-101.2).

** For MBSAC, add fourteen dollars (\$14) for each additional needy person.

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.32 through .37 (Continued)

HANDBOOK BEGINS HERE

.38 . Computation Examples-

Computation #1 Factors

~~An AU has net nonexempt income in the amount of \$25. The AU has special needs in the amount of \$10. Assume the MBSAC for the AU is \$324 and the MAP for the AU is \$788.~~

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Computation #1

\$884	MSNC for 4
+ 10	Special Need Amount
\$894	MSNC + Special Need
25	Net Nonexempt Income

\$869	Potential Grant
\$780	MSD for 4
+ 10	Special Need Amount

\$790	MSD + Special Need
\$790	MSD for 4
< \$869	Potential Grant is More than MSD +
	Special Need
\$790	GRANT AMOUNT

Computation #2 Factors

~~The NU consists of 5 members. The NU has~~
~~net nonexempt income in the amount of~~
~~\$915. The NU has special needs in the~~
~~amount of \$20. Assume that the MSNC for~~
~~the NU is \$910 and the MSD for the NU is~~
~~\$890.~~

Computation #2

\$910	MSNC for 4
+ 20	Special Need Amount
\$930	MSNC + Special Need
215	Net Nonexempt Income

\$715	Potential Grant
\$890	MSD for 4
+ 20	Special Need Amount

\$910	MSD + Special Need
\$715	MSD for 4
> \$910	Potential Grant is More than MSD +
	Special Need
\$715	GRANT AMOUNT

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Example 1

A nonexempt AU of 4 persons has net nonexempt income (net countable income) of \$25 and special needs of \$10. The MBSAC (Basic Need) for the AU is \$866 and MAP (Maximum Aid Payment) is \$707.

The computation shown below parallels the Notice of Action format:

1.	<u>Basic Need for 4 Persons</u>	<u>\$ 866</u>
2.	<u>Special Needs</u>	<u>+ 10</u>
3.	<u>Net Countable Income</u>	<u>- 25</u>
4.	<u>Basic Need Subtotal</u>	<u>= 851</u>
5.	<u>Maximum Aid for 4 Persons</u>	<u>\$ 707</u>
6.	<u>Special Needs</u>	<u>+ 10</u>
7.	<u>Maximum Aid Subtotal</u>	<u>= 717</u>
8.	<u>Full Month Aid Subtotal</u>	
	<u>(Lower Amount on Line 4 or 7) = 717</u>	

Example 2

An exempt AU of 4 persons has net nonexempt income (net countable income) of \$625 and special needs of \$10. The MBSAC (Basic Need) for the AU is \$866 and MAP (Maximum Aid Payment) is \$788.

The computation shown below parallels the Notice of Action format:

1.	<u>Basic Need for 4 Persons</u>	<u>\$ 866</u>
2.	<u>Special Needs</u>	<u>+ 10</u>
3.	<u>Net Countable Income</u>	<u>- 625</u>
4.	<u>Basic Need Subtotal</u>	<u>= 251</u>
5.	<u>Maximum Aid Payment for 4 Persons</u>	<u>\$ 788</u>
6.	<u>Special Needs</u>	<u>+ 10</u>
7.	<u>Maximum Aid Payment Subtotal</u>	<u>= 798</u>
8.	<u>Full Month Aid Subtotal</u>	
	<u>(Lower Amount on Line 4 or 7) = 251</u>	

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11209, 11450, 11450(g), and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11450.01, 11450.015, 11450.03, 11452, and 11453, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

Modify Handbook Sections 44-402.11 and .12 to read:

44-402 COMPUTATION OF A REDUCED INCOME SUPPLEMENTAL PAYMENT

44-402

.1 (Continued)

HANDBOOK BEGINS HERE

.11

~~80% of MAP Level~~
~~Effective September 1, 1993~~

~~Size of AU~~

~~80% of Maximum Aid Payment~~

\$	\$ 200
\$	300
\$	400
\$	500
\$	600
\$	700
\$	800
\$	900
\$	1,000
10 or more	1,000

See Section 44-315.311 for the current 80% of MAP amounts.

.12

~~Below are the 80% of MAP amounts for recipients designated as CWPDP control group participants in the counties of Alameda, Los Angeles, San Bernardino, and San Joaquin (see Section 89-101.2).~~

~~Size of AU~~

~~80% of Maximum Aid Payment~~

\$	\$ 200
\$	300
\$	400
\$	500
\$	600
\$	700
\$	800
\$	900
\$	1,000
10	1,000

See Section 44-315.311 for current 80% of MAP amounts for recipients designated as CWPDP Control Group participants in Alameda, Los Angeles, San Bernardino and San Joaquin counties (see Section 89-101.2).

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Authority Cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 11017, 11255, 11450, 11450.015, and 11450.2, Welfare and Institutions Code; 45 CFR 237.27; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

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Adopt Section 89-110.2 to read:

89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION

89-110

.1 (Continued)

.2 Reserved

Exempt and Nonexempt AUs

The CWD shall determine whether an AU is an Exempt or Nonexempt AU for purposes of the MAP amounts specified in Section 44-315.311 by using the rules in this section.

.21 Rule

An Exempt AU is one in which the following persons meet at least one of the conditions listed in Sections 89-110.22 through .24.

.211 Parent/
Relative

Each parent, aided stepparent, and caretaker relative of a child who lives in the home of the aided child; or

.212 Aided
Parent of
Unaided
Child

Each parent receiving aid because of an unaided excluded child; or

.213 Pregnant
Woman Only

The pregnant woman in an AU consisting of the woman only; or

.214 RCA AU

Each adult or parent of a child aided under RCA in a Refugee Cash Assistance AU.

.22 Receives
Benefits

Receives at least one of the following:

.221 SSI/SSP

Supplemental Security Income/State Supplemental Payments (SSI/SSP); or

.222 IHSS

In-Home Supportive Services (IHSS); or

.223 SDI

State Disability Insurance (SDI); or

.224 TWC

Temporary Worker's Compensation (TWC -Temporary Disability Indemnity - TDI);

.225 Social
Security
Disability
Insurance

Social Security Disability Insurance (SSDI) because of a personal disability.

.23 Unaided
Non-parent
Caretaker

Is an unaided, non-parent caretaker relative:

- .24 Determinations Has been determined to:
- .241 Incapacity Meet the AFDC standards for incapacity deprivation as specified in Section 41-430.2; or
- .242 GAIN-Exempt Meet the standards for exemptions due to incapacity as specified in Section 42-793 or care of another individual in the household as specified in Section 42-795.
- .243 Student Under Age 19 Have not yet reached the age of 19 and be enrolled in a program that will lead to a high school diploma or its equivalent.
- .25 Minor Parents and Pregnant Women For purposes of Section 89-110.21:
- .251 Minor Parent A minor parent aided as an eligible child is considered to be a parent.
- .252 Pregnant Woman A pregnant woman is not considered to be a parent based on pregnancy alone.
- .26 Review of AU Exemption Status The CWD shall review AU exemption status when:
- .261 GAIN Exemption An AU member is determined exempt from GAIN due to incapacity as specified in Section 42-793 or care of another individual in the household as specified in Section 42-795.
- .262 Monthly Eligibility Report Received The CWD processes the Monthly Eligibility Report submitted by the AU.
- .263 Application or Add Person The AU makes an initial application, reapplication or requests that a parent or caretaker relative be added to the AU.
- .264 Request a Review or Report a Change A parent, caretaker relative or PCA adult associated with the AU requests review of AU status or reports a change applicable to the AU status.
- .27 Exempt AU Status The CWD shall consider that an AU is an Exempt AU when, on or after application for AFDC, the AU meets the rule in Section 89-110.21 and is also eligible for AFDC or, for PCA AUs, eligible for PCA.

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- .271 If Exempt Status Results from Request for Review When Exempt AU status results from a request for review by the AU, the CWD shall not treat the AU as an Exempt AU for any month prior to the month of request.
- .28 Use of Exempt AU MAP Amount The CWD shall use the Exempt AU or Nonexempt AU MAP in the budgeting process as follows:
- .281 During Prospective Budgeting During prospectively budgeted months, the CWD shall use the MAP corresponding to the AU status in that month.
- .282 During Retrospective Budgeting During retrospective budgeted months, the CWD shall use the MAP corresponding to the AU status in the budget month. However, for the third and fourth payment period, when a status existing in the first or second payment period is not of a continuous nature, the concurrent exemption status shall be used.
- .29 Change in Status When the AU status changes between Exempt and Nonexempt, the CWD shall act as follows:
- .291 Change from Nonexempt to Exempt During Prospective Budgeting When the AU status changes from Nonexempt to Exempt during a prospectively-budgeted month, the CWD shall begin to use the Exempt AU MAP in the month of change.
- .292 Change from Exempt to Nonexempt During Prospective Budgeting When the AU status changes from Exempt to Nonexempt during a prospectively-budgeted month, the CWD shall use the Exempt AU MAP in the month of change and begin to use the Nonexempt AU MAP in any following prospectively-budgeted month.
- .293 During Retrospective Budgeting When the AU status changes during a retrospectively-budgeted month, the CWD shall change the MAP effective for the payment month when the first month of the new status is the corresponding budget month.

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Example 1 - Exempt AU - SDI Receipt and Incapacitated Parent

The AU consists of two parents and two of their children. One parent receives SDI. The other parent has been determined to be an incapacitated parent as specified in Section 41-430.2. The CWD uses the Exempt AU MAP.

Example 2 - Exempt AU - Disabled PWO

The AU consists of a pregnant woman only. The woman has been determined disabled under the GAIN standards because of incapacity as specified in Section 42-793. The CWD uses the Exempt AU MAP.

Example 3 - Exempt AU - Parent With SSI/SSP Child

The AU consists of mother receiving aid on the basis of an SSI/SSP child. The woman has been determined disabled under the GAIN standards because of incapacity as specified in Section 42-793. The CWD uses the Exempt AU MAP.

Example 4 - Exempt AU - Disabled RCA

The AU consists of one refugee adult receiving RCA. The adult has been determined to be disabled under the GAIN standards due to incapacity as specified in Section 42-793. The CWD uses the Exempt AU MAP.

Example 5 - Nonexempt AU - Minor Parent

The AU consists of a 17-year old parent who is aided as a child, the senior parent and the children of both the minor parent and the senior parent. The minor parent's parent receives SDI benefits, but the minor parent is not in school or otherwise exempt. The CWD uses the Nonexempt AU MAP.

Example 6 - Nonexempt AU - Aided Stepparent

The AU consists of a father, the father's children and an aided stepmother. The stepmother is pregnant, but is not the parent or caretaker relative of any of the aided children. The stepmother is not receiving any income and is able to work. The father receives SDI. Since the stepparent is an aided stepparent, the CWD uses the Nonexempt AU MAP.

Example 7 - Exempt AU - Unaided Stepparent

The AU consists of a mother, the mother's children and an unaided stepfather. The mother is incapacitated based on the AFDC incapacitated parent standard. The stepfather is not the parent or caretaker for any of the aided children. Since the stepparent is not an aided stepparent, the CWD uses the Exempt AU.

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Example 8 - Nonexempt AU - Undocumented Alien Parent

The AU consists of a mother, the mother's children and an undocumented alien father. The mother receives SDI. The father is able to work and is not otherwise exempt. Since the father is a parent, the CWD uses the Nonexempt AU MAP.

Example 9 - Exemption Based on AU Request - Late Request

The AU consists of a parent and his/her child based on absent parent deprivation. The parent becomes temporarily disabled and unable to work in June, but does not report the fact to the CWD or otherwise request review of AU status. In November, the CWD conducts an annual redetermination and discovers that the condition still exists. The AU requests review and the CWD requests verification, which is supplied in December. The verification establishes that the condition existed as of June 10. Since the first month of Exempt AU status cannot precede the month in which the AU requested review, the first month of exempt status is November. Since the AU was already using retrospective budgeting, the Exempt AU MAP begins in January, the payment month when the month of the change in status is the corresponding budget month.

Example 10 - Exemption Based on CWD Information - Late Discovery

The AU consists of a parent and his/her child based on absent parent deprivation. The AU is in retrospective budgeting. The parent begins receiving SDI in June and reports the income on the Monthly Eligibility Report submitted in July. The CWD does not begin to use the income or the new Exempt MAP for the August payment month due to administrative error. In November, the CWD conducts an annual redetermination and discovers the mistake. At that time, the parent requests Exempt status. Since the Exempt status is based on a status known to the CWD (rather than solely on the parent's request for review), the CWD acts to process the case based on the actual report of income. Exempt status begins for the August payment month. The CWD recomputes the grant for overpayment or underpayment purposes.

Example 11 - Exempt AU - Initial Application

An initial application is made June 10 for an AU consisting of a parent and his/her child based on absent parent deprivation. The prospectively-budgeted application months are June and July. During June, the parent becomes disabled and unable to work for a period projected to be at least 30 calendar days as shown by the medical verification. The CWD uses the Exempt AU MAP beginning in June and continues to use this MAP.

Example 12 - Transition to Retrospective Budgeting - Noncontinuous Status

An application is made July 12 for a Nonexempt AU consisting of a parent and his/her child based on absent parent deprivation. Prospectively-budgeted application months are July and August. The parent is disabled and unable to work for a period projected to be at least 30 calendar days as shown by the medical verification. The condition ceases in August. The CWD uses the MAP for Exempt AUs for July and August. The CWD uses the Nonexempt AU MAP for September and October (Exempt status was not continuous from the budget months).

Example 13 - Person Add - Nonexempt to Exempt

An existing Nonexempt AU consists of a parent and his/her child based on absent parent deprivation. On June 10, the parent becomes temporarily disabled and verifies the disability. On June 12, a second parent joins the home. The second parent receives TDI benefits and is added to the AU effective June 12 using the current Nonexempt AU MAP. The income of the second parent is used prospectively for June and July. Deprivation changes to incapacitated parent and the AU becomes exempt. Since the AU was already using retrospective budgeting, the Exempt AU MAP begins in August, the payment month when the month of the new status is the corresponding budget month.

Example 14 - Person Delete - Exempt to Nonexempt

An existing Exempt AU consists of two parents and their child based on incapacitated parent deprivation. One parent is incapacitated and the other receives SDI. In June, the incapacitated parent leaves the home and the second parent stops receiving SDI. The AU becomes Nonexempt. The needs and income of the parent who left are not used for July and continuing. However, since the AU was already using retrospective budgeting, the Exempt AU MAP continues for July and August. The Nonexempt AU MAP begins in September, the payment month when the first month of the new status is the corresponding budget month.

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- .3 Reserved
- .4 (Continued)

Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

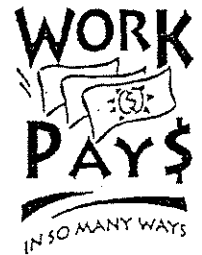
Reference: Sections 10553, 10554, 11450.01, 11450.015, and 11450.03, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1995, March 11, 1996, and March 12, 1996.

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ATTACHMENT 3 - Follow-up Notice Mailed by CDSS

Cash Aid Grants are Changing

This notice will give you more information about the change in Maximum aid Payment (MAP) on June 1, 1996. You may have already received a notice that the MAP for most families will be lowered by 2.3 percent. This change is to encourage recipients who are able to work to take a job. A table on the right shows the lower MAP amount.



You may be exempt from the reduction and may be given more cash aid (see table to the right) if each parent or caretaker relative:

- A. Is caring for an aided child(ren) who is not their child and does not get aid
- B. Is needed to stay at home to care for another household member who is ill, injured or incapacitated
- C. Is getting Supplemental Security Income/State Supplemental Payments (SSI/SSP), or In-Home Supportive Services (IHSS), or State Disability Insurance (SDI), or Temporary Worker's Compensation (TWC) or Temporary Disability Indemnity (TDI) benefits, or Social Security Disability Insurance (SSDI), or AFDC under their own incapacity
- D. Is under age 19 and enrolled in a program that leads to a high school diploma or its equivalent
- E. Is exempt from GAIN because of incapacity
- F. Is unable to work full time because of incapacity

If you receive a notice that your grant is being cut and all the aided adults in the household meet at least one of the conditions above, contact your worker and request an exemption. You can do this by telephone, or by returning the bottom of this form. Within 30 days from the time you give the County your proof, the County will make a decision.

To keep your grant from being cut while your exemption request is being reviewed, you can ask for a state hearing by calling the number listed on your Notice of Action (NOA) and telling why you think you are exempt. You must ask for a state hearing before your grant is cut or within 10 days of getting the notice that your grant is being cut. If it turns out that you are not exempt, you will owe the County for any cash aid you should not have received.

These new MAP tables show how your cash aid may change. If your cash aid changes, you will get a separate NOA showing how your new grant is figured.

Lower MAPs for families that are not exempt:

Persons on aid	Old MAP	New MAP	Decrease in MAP
1	\$ 299	\$ 293	\$ 6
2	490	479	11
3	607	594	13
4	723	707	16
5	824	806	18
6	926	905	21
7	1017	994	23
8	1108	1083	25
9	1197	1170	27
10 or more	1286	1257	29

Higher MAPs for families that are exempt:

Persons on aid	Old MAP	New MAP	Increase in MAP
1	\$ 299	\$ 326	\$ 27
2	490	535	45
3	607	663	56
4	723	788	65
5	824	899	75
6	926	1010	84
7	1017	1109	92
8	1108	1209	101
9	1197	1306	109
10 or more	1286	1403	117

If you need information about the change in MAP, please call:

- toll-free 1-800-248-8068
- TDD for the hearing impaired 1-800-952-8349

To request an exemption, please complete this part and return it to your worker.

Circle the letter of the exemption(s) that each parent or caretaker relative meets: A B C D E F

CASE NAME:

CASE NUMBER (IF KNOWN)

DATE:

ADDRESS:

CITY:

ZIP CODE:

PHONE NUMBER:

SSN:

ATTACHMENT 4 - AFDC and GAIN Notices of Action

ATTACHMENT 4

NOTICE OF ACTION (NOA) MESSAGES

The following NOA messages are attached:

M89-110 (5/96) - Exemptions to MAP Reductions: Change-Exempt

The M89-110 message was revised to include additional exemption criteria.

M89-110A (5/96) - Exemptions to MAP Reductions: Change-Non Exempt

The M89-110A message was revised to include additional exemption criteria.

M89-110B (5/96) - Exemptions to MAP Reductions: Denial

The M89-110B message was revised to include additional exemption criteria.

INSTRUCTIONS FOR UPDATING THE AFDC NOA HANDBOOK

- o M89-110 (5/96) Replaces message dated 2/1/96.
- o M89-110A (5/96) Replaces message dated 2/1/96.
- o M89-110B (5/96) Replaces message dated 3/1/96.

State of California
Department of Social Services

Noa Msg Doc No.: M89-110 Page 1 of 1
Action : Change - Exempt
Issue: Aid Payment Levels
Title: Exemptions to MAP Reductions

Auto ID No.:
Source :
Issued by :
Reg Cite : 89-110.2, 44-315.311

Use Form No. : NA 200
Original Date : 2/1/96
Revision Date : 5/1/96

MESSAGE:

As of _____ the County is changing your cash
aid from \$_____ to \$_____.

Here's why:

The only one in your household getting cash
aid is a child living with an unaided, non-
parent caretaker relative.

OR

Each parent or aided caretaker relative in the
home is one of the following:

- o Getting Supplemental Security Income, State
Supplementary Program (SSI/SSP), or
In-Home Supportive Services (IHSS), or
Temporary Workers' Compensation (TWC), or
Temporary Disability Indemnity (TDI), or
State Disability Insurance (SDI), or
Social Security Disability Insurance (SSDI),
or AFDC under their own incapacity;
- o Exempt from GAIN due to incapacity;
- o Exempt from GAIN due to caring for another
household member who is ill, injured or
disabled;
- o Unable to work full time due to incapacity;
- o Unable to work due to caring for another
household member who is ill, injured or
disabled;
- o Under age 19 and enrolled in a program
leading to a high school diploma or its
equivalent.

Your new cash aid amount is figured on this
notice.

INSTRUCTIONS: Use this message when increasing cash aid due to one of the valid
exemptions. Enter the date the cash aid is changing and the old and new amounts.

This message replaces M89-110 dated 2/1 96.

file : pkian/MSERIES/ex.89110

State of California
Department of Social Services

Noa Msg Doc No.: M89-110A Page 1 of 1
Action : Change - Non-exempt
Issue: Aid Payment Levels
Title: Exemptions to MAP Reductions

Auto ID No.:
Source :
Issued by :
Reg Cite : 89-110.2, 44-315.311

Use Form No. : NA 200
Original Date : 2/1/96
Revision Date : 5/1/96

MESSAGE:

As of _____ the County is changing your cash
aid from \$_____ to \$_____.

Here's why:

Your family does not meet any of the exemption
rules. To meet the rules and be exempt, either:

The only one in your household getting cash aid
is a child living with an unaided, non-parent
caretaker relative.

OR

Each parent or aided caretaker relative in the
home is one of the following:

- o Getting Supplemental Security Income, State
Supplementary Program (SSI/SSP), or
In-Home Supportive Services (IHSS), or
Temporary Workers' Compensation (TWC), or
Temporary Disability Indemnity (TDI), or
State Disability Insurance (SDI), or
Social Security Disability Insurance (SSDI),
or AFDC under their own incapacity;
- o Exempt from GAIN due to incapacity;
- o Exempt from GAIN due to caring for another
household member who is ill, injured or
disabled;
- o Unable to work full time due to incapacity;
- o Unable to work due to caring for another
household member who is ill, injured or
disabled;
- o Under age 19 and enrolled in a program
leading to a high school diploma or its
equivalent.

Your new cash aid amount is figured on this
notice.

INSTRUCTIONS: Use this message when changing cash aid when the AU does not meet
one of the valid exemptions. Enter the date the cash aid is changing and the old
and new amounts. This message replaces M89-110A dated 2/1/96.

file : pkian/MSERIES/ex.89110a

State of California
Department of Social Services

Noa Msg Doc No.: M89-110B Page 1 of 1
Action : Deny
Issue: Aid Payment Levels
Title: Exemptions to MAP Reductions

Auto ID No.:
Source :
Issued by :
Reg Cite : 89-110.2, 44-315.311

Use Form No. : NA 290
Original Date : 3/1/96
Revision Date : 5/1/96

MESSAGE:

The County has denied your request for an exemption from the lower cash aid level.

Here's why:

Your family does not meet any of the exemption rules. To meet the rules and be exempt, either:

The only one in your household getting cash aid is a child living with an unaided, non-parent caretaker relative.

OR

Each parent or aided caretaker relative in the home must be one of the following:

- o Getting Supplemental Security Income/State Supplementary Program (SSI/SSP), or In-Home Supportive Services (IHSS), or Temporary Workers' Compensation (TWC), or Temporary Disability Indemnity (TDI), or State Disability Insurance (SDI), or Social Security Disability Insurance (SSDI), or AFDC under their own incapacity;
- o Exempt from GAIN due to incapacity;
- o Exempt from GAIN due to caring for another household member who is ill, injured or disabled;
- o Unable to work full time due to incapacity;
- o Unable to work due to caring for another household member who is ill, injured or disabled;
- o Under age 19 and enrolled in a program leading to a high school diploma or its equivalent.

You may get another notice about your regular cash aid.

INSTRUCTIONS: Use this message to deny a request for higher MAP when the AU does not meet one of the valid exemptions. This message replaces M89-110B dated 3/1/96.

file : pkian/MSERIES/ex.89110b

GAIN FORMS

This attachment consists of GAIN forms revised as a result of the changes in MPP sections 42-793.1 and 42-793.512 pertaining to the exemption based on incapacity. For each form, language has been added regarding the minimum duration of incapacity of 30 calendar days to qualify for the exemption.

CURRENT GAIN FORMS

The following forms have been updated:

GAIN 24 (6/96) GAIN Registration [replaces GAIN 24 (1/96)]
GAIN 52 (6/96) GAIN Exemption Request [replaces GAIN 52 (1/96)]
GAIN 53 (6/96) GAIN Program Notice [replaces GAIN 53 (1/96)]

OBSOLETE GAIN FORMS

The following forms are obsolete. Counties should discontinue using these forms on June 1, 1996, or as soon as administratively possible thereafter.

GAIN 24 (1/96) GAIN Registration
GAIN 52 (1/96) GAIN Exemption Request
GAIN 53 (1/96) GAIN Program Notice

A reproducible copy of each of the current forms is included. Counties can obtain camera-ready copies of the English and/or Spanish version of these forms by calling or writing:

CDSS Forms Management Unit
744 P Street, MS 7-182
Sacramento, CA 95814
(916) 657-1907/ATSS 437-1907

Counties can obtain camera-ready copies of these forms translated into the standard Asian languages by calling or writing:

CDSS Language Services Bureau
744 P Street, MS 9-024
Sacramento, CA 95814
(916) 654-1282/ATSS 464-1282

Counties that have any questions regarding the revised forms should contact their Employment Operations analyst at (916) 657-3403.

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GAIN REGISTRATION

DATE:

CASE NAME:

CASE NUMBER:

REGISTRANT'S NAME:

The Greater Avenues for Independence Program, known as GAIN, provides employment and supportive services to help people who receive AFDC find work and become self-supporting.

A. ☐ MANDATORY REGISTRANTS

You have been registered for GAIN. You must participate in GAIN because you are not exempt. Exemptions are listed in the next column.

Under GAIN, you and the county will be required to enter into a contract. The contract will show what your program activities and requirements are and what services the county must offer you. The contract will also give you a detailed explanation of your rights, duties, and responsibilities under GAIN. You will be sent a notice when you have been scheduled for an appointment to enter GAIN.

You must tell your GAIN worker if you move, get a job, change your child care or other supportive services, or have problems in meeting the program requirements.

Your aid may be lowered if you do not:

- Keep appointments made by your GAIN worker.
- Keep appointments for job interviews.
- Enter into a contract between you and the county's GAIN Program.
- Follow the requirements in the contract.
- Meet all the requirements of GAIN.
- Keep your job.
- Try to keep making at least as much money as you made when you started participating in GAIN.
- Provide proof of satisfactory progress in your assigned GAIN activity, if required by your county.

Before we lower your cash aid for not doing any of these things, you will be given a chance to say why you did not do them. If you have a good reason, your cash aid will not be lowered.

B. ☐ VOLUNTEERS

You are not required to participate in GAIN because you are exempt, but you have volunteered to participate.

You have the same rights and responsibilities as a mandatory registrant except that you may decide not to meet the requirements at any time without affecting your aid. However, if you do not have a good reason, you may not be allowed to voluntarily participate in the program for a period of time.

If you become a mandatory registrant (see Item A), your county worker will notify you of the change.

If you disagree with this registration, you can ask for a state hearing.

See the back of this form for more information.

EXEMPTIONS

You have been registered for GAIN because you are not exempt. A person is exempt if he or she:

- Is under 16 years old.
- Is 16, 17, or 18 years old and goes to school full time (not college), unless the person is in school as part of his or her GAIN program.
- Is ill or has an injury that would keep him or her from working, or is recovering from having a baby.
- Is 60 years old or older.
- Is physically or mentally unable to work for at least 30 calendar days.
- Lives so far away from the GAIN activity that he or she cannot participate. (This means it takes more than two hours total travel time from the person's home to go to and from any GAIN activity, including orientation and appraisal. If the person takes public transportation, such as a bus, the travel time includes the time it takes to walk to the bus stop, the time to transfer from one bus to another, and the time to walk from the bus stop to the GAIN activity. The travel time does not include the time needed to take children to and from child care.)
- Must stay at home to take care of someone in the household who is unable to care for himself or herself, and nobody else in the home is available to care for the person.
- Is the parent or caretaker of a child under 3 years old and is personally responsible for providing care for the child, unless he or she is a 19-year-old parent without a high school diploma. The person may be exempt only one time during a period of continuous stay on AFDC in California. If the person received this exemption before and gives birth to another child or adopts a child under age three, the person may be exempt for not more than four months.
- Works or expects to work 30 hours or more per week in regular employment that pays at least the minimum wage and should last at least 30 days. The minimum wage requirement does not apply for the first six months if you are self-employed or paid on commission.
- Is pregnant and the baby is due within six months.
- Is a VISTA volunteer.

If you believe that you should be exempt from GAIN, ask your worker to give you a form (GAIN 52) to use to make your request to be exempt from GAIN. You will be told if you are exempt from GAIN.

If you are eligible for the Cal-Learn Program, or if you got a high school diploma or its equivalent while you were in the Cal-Learn Program, some of the above exemptions may not apply to you. For more information, contact your eligibility worker or Cal-Learn case manager.

YOUR HEARING RIGHTS

- You have the right to ask for a hearing if you disagree with any County decision regarding your status (standing) in Cal-Learn/GAIN/NET, your activity/program, or your supportive services/NET child care services.
- Asking for a hearing will not affect your AFDC cash aid.
- You have only 90 days to ask for a hearing.
- The 90 days started the day after we gave or mailed you a notice.

WHILE YOU WAIT FOR A HEARING DECISION

If you disagree with the County's decision about your GAIN/NET status or your activity/program:

- You do not have to participate.
- You cannot come into the program if we have told you we cannot serve you.
- You can keep going to an unapproved self-initiated program, but we will not pay you any GAIN supportive services/NET child care services or give you any other services.
- You can keep going or start going to an activity different from the one we referred you to, but we will not pay you any GAIN supportive services or give you any other GAIN services.
- You cannot keep going or start going to an activity different from the one we referred you to if the activity is open to GAIN participants only.

If you disagree with the County's decision about your Cal-Learn status or your activity:

- You cannot come into the Cal-Learn program if we have told you we cannot serve you.
- Cal-Learn will pay only Cal-Learn supportive services for an approved Cal-Learn activity.

To get supportive services/NET child care services payments, you must go to the activity/program the County has asked you to go to.

If you disagree with the County's decision about your supportive services/NET child care services payments, and you attend your approved activity/program, the County will pay supportive services/NET child care services as follows:

- If we have told you your payments will be lowered, you will get the lower rate.
- If we have told you your payments will be made in a different form, you will be paid in the different form.
- If we have told you your payments will stop; you will not get any more payments, even if you go to your activity/program.
- If we have denied payments before the hearing, you will not get the requested payments.

If the amount of supportive services the County pays while you wait for a hearing decision is not enough, you can stop going to your activity/program.

You may get free legal help at your local legal aid office or welfare rights group, or from the CCWRO.

HOW TO ASK FOR A STATE HEARING

The best way to ask for a hearing is to fill out this page. Make a copy of the front and back for your records. Then, send or take this page to:

Your worker will get you a copy of this page if you ask. Another way to ask for a hearing is to call 1-800-952-5253. If you are deaf and use TDD, call: 1-800-952-8349.

HEARING REQUEST

I want a hearing because of an action by the Welfare Department of _____ County about my

(Check appropriate program box)

☐ Cal-Learn ☐ GAIN ☐ NET Child Care

(Check appropriate action box)

☐ Status ☐ Activity ☐ Supportive Services

☐ Other (list) _____

Here's why:

☐ Check here and add a page if you need more space.

☐ I want the person named below to represent me at this hearing. I give my permission for this person to see my records or come to the hearing for me.

Name _____

Address _____

I need an interpreter at no cost to me. My language or dialect is: _____

☐ I want a copy of this page sent to me.

My Name: _____

(Print)

Address: _____

My Case Number: _____

My signature: _____

Phone: _____ Date: _____

Hearing File: If you ask for a hearing, the State Hearing Office will set up a file. You have the right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W. & I. Code Section 10950).

COUNTY _____

CASE NAME _____

CASE NO. _____

OTHER ID NO. _____

WORKER NAME _____

Questions? Ask your worker.

GAIN EXEMPTION REQUEST

If you have been told that you may be required to be in GAIN or you are already in GAIN, you may request to be exempt from GAIN because of one of the reasons listed below. If you are eligible for the Cal-Learn Program, or if you got a high school degree or its equivalent while you were in the Cal-Learn Program, some of these exemptions may not apply to you. For more information, contact your eligibility worker or Cal-Learn case manager. Please also send any information that will help the county decide if you should be exempt from GAIN.

If you answer "Yes" to any of these questions, you may be exempt from GAIN. Please answer all of the questions. This form cannot be completed by county.

YES NO

- ☐ ☐ 1. Are you under 16 years old?
- ☐ ☐ 2. Are you 16, 17 or 18 years old and in high school or adult school? (Does not apply if you are in high school or adult school as a GAIN assignment.)
- ☐ ☐ 3. Are you ill or do you have an injury that would keep you from going to work or training or are you recovering from having a baby? Please describe your illness/injury and how long you think this will keep you from participating and provide any medical proof you have. _____
- ☐ ☐ 4. Are you living so far away from a GAIN activity that you can't take part? This means it takes more than two hours total travel time from your home to go to and from any GAIN activity, including orientation and appraisal. If you take public transportation, such as a bus, your travel time includes the time it takes you to walk to the bus stop, the time to transfer from one bus to another, and the time to walk from the bus stop to the GAIN activity. Your travel time does not include the time you need to take children to and from child care. Your GAIN orientation, appraisal, or other activity will be at: _____
- ☐ ☐ 5. Are you staying home on a regular basis to take care of someone in the household who can't take care of him/herself, and nobody else in the home is available to care for the person?
- ☐ ☐ 6. Are you the parent or caretaker of a child under three years old and are you personally responsible for providing care for the child? This may not apply if you have been excused before for having a child under three. (Does not apply if you are age 19 and do not have a high school diploma or General Educational Development (GED) Certificate.)
- ☐ ☐ 7. Are you working at least 30 hours per week on a job that should last at least 30 days and pays at least the minimum wage? The minimum wage requirement does not apply for the first six months if you are self-employed or paid on commission.
- ☐ ☐ 8. Are you physically or mentally unable to work for at least 30 calendar days? Please describe and provide any medical proof you have. _____
- ☐ ☐ 9. Are you 60 years old or older?
- ☐ ☐ 10. Are you pregnant and your baby is due within six months?
- ☐ ☐ 11. Are you a VISTA volunteer?

- You will be informed whether or not you are exempt from GAIN and the reason why.
- You may be asked to give the county proof of your reason.
- If you do not agree with the county, you may ask for a State Hearing.

PLEASE PRINT YOUR NAME HERE

SIGNATURE

DATE

GAIN PROGRAM NOTICE

WHAT GAIN MEANS TO YOU

- GAIN stands for Greater Avenues for Independence. GAIN can teach, train and counsel you to help you find a job.
- Some of the things GAIN can do for you are:
 - Show you how to look for a job.
 - Help you with educational or vocational/on-the-job training and teach you basic reading, math and English.
 - Help you get work experience.
- GAIN will help you arrange and pay for supportive services like child care, transportation, and other costs such as special tools or clothing you need to take a job. You may get advance payments if you need them. You won't have to use your cash aid to pay for supportive services.
- GAIN will tell you about the available kinds of child care and where to find child care.

WHEN YOU MUST BE IN GAIN

- You must be in GAIN if you apply for or get Aid to Families with Dependent Children (AFDC) and you are not excused (exempt) from participating.
- You don't have to be in GAIN if you are exempt. If you are eligible for the Cal-Learn Program, or if you got a high school diploma or its equivalent while you were in the Cal-Learn Program, some of these exemptions may not apply to you. For more information, contact your eligibility worker or Cal-Learn case manager. You are exempt if you are:
 - Under 16 years old.
 - 16, 17 or 18 years old and in high school or adult school full time unless you go to school as part of your GAIN Program.
 - Ill or have any injury that would keep you from working, or are recovering from having a baby.
 - Living so far away from a GAIN activity that you can't take part. This means it takes more than two hours total travel time from your home to go to and from any GAIN activity, including orientation and appraisal. If you take public transportation, such as a bus, your travel time includes the time it takes you to walk to the bus stop, the time to transfer from one bus to another, and the time to walk from the bus stop to the GAIN activity location. Your travel time does not include the time you need to take children to and from child care. Your GAIN orientation/appraisal will be held at: _____
 - Staying home on a regular basis to take care of someone in the household who can't take care of him/herself, and nobody else in the home is available to care for the person.
 - A parent or caretaker of a child under three years old. This exemption is available only once during a continuous period of eligibility. BUT if you are age 19 and do not have a high school diploma or General Educational Development Certificate (GED), you must be in GAIN no matter how old your child is unless you have another reason to be exempt.

- Working at least 30 hours per week on a job that should last at least 30 days and pays at least the minimum wage.
 - Physically or mentally unable to work for at least 30 calendar days.
 - 60 years old or older.
 - Pregnant and the baby is due within six months.
 - A VISTA volunteer.
 - If you are a person who has no legal right to work in the United States, you will be excused from GAIN.
- If you do not meet any of the listed reasons for being exempt from GAIN, you may be required to go to GAIN. If you are required to go, you will get a notice that tells you when your first appointment will be.
- If you believe that you have a good reason for not participating, you should ask your worker to give you a form (GAIN 52) to use to make your request to be exempt from GAIN. You will be told if you can be exempt from GAIN.
 - Even if you don't have to be in GAIN, you can ask to participate and you will be told if you can.

IF YOU DO NOT DO WHAT GAIN REQUIRES

- If you are required to be in GAIN:
 - You will have a chance to say why you did not do what you were required to do.
 - If you do not have a good reason, and you will not do what GAIN requires to fix the problem, your cash aid will be lowered.
- If you are not required to be in GAIN, but you asked to be in GAIN (volunteer):
 - You will have a chance to say why you did not do what was asked.
 - If you do not have a good reason and you are not willing to do what GAIN requires to fix the problem, your cash aid will not be lowered, but you may not be allowed back in GAIN for a period of time.

When you get a job and go off aid, the county may be able to help you with child care (Transitional Child Care) for up to 12 months and you may also be able to get Transitional Medi-Cal for 12 months.

You have the right to ask for services like child care, transportation, or other service provided by the GAIN Program. You may ask your worker by phone or in person, or you may ask in writing.

You have the right to ask for a state hearing if you disagree with any of the decisions made by the county about participating in GAIN.